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TO : Commissioner for Patents
Mail Stop: Appeal Brief - Patent
FROM : Oleg F. Kaplun, Esq. of Fay Kaplun & Marcin, LLP
DATE : September 4, 2007
SUBJECT : U.S. Patent Appln. Serial No. 10/541,404
for *Method for Obtaining and Linking Positional*
Information to Position Specific Multimedia Content
Phillips Ref.: NL030025US

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Attorney Docket No. NL030025US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**RECEIVED
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Inventor(s) : Panje
Serial No. : 10/541,404
Filing Date : July 1, 2005
For : Method for Obtaining and Linking Positional Information to
Position Specific Multimedia Content
Group Art Unit : 2617
Examiner : Khai Minh Nguyen
Confirmation No. : 6646

09/06/2007 EHAILE1 00000029 10541404

01 FC:1251

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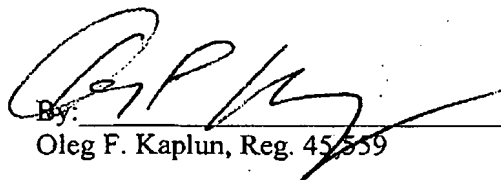
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By: Oleg F. Kaplun, (Reg. No. 45,559)	Date: September 4, 2007

TRANSMITTAL

In support of the Notice of Appeal filed on June 8, 2007, transmitted herewith please find an Appeal Brief for filing in the above-identified application. Applicant hereby requests a one (1) month extension. Please charge the Credit Card of **Fay Kaplun & Marcin, LLP** in the amount of \$620.00 (PTO-Form 2038 is enclosed herewith). The Commissioner is hereby authorized to charge the **Deposit Account of Fay Kaplun & Marcin, LLP NO. 50-1492** for any additional required fees. A copy of this paper is enclosed for that purpose.

Respectfully submitted,

Dated: September 4, 2007

By: 
Oleg F. Kaplun, Reg. 45,559

Attorney Docket No. NL030025US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : Panje

Serial No. : 10/541,404

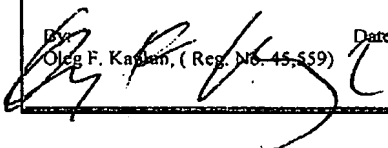
Filing Date : July 1, 2005

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571-273-8300By: 
Oleg F. Kaplan, (Reg. No. 45,559)

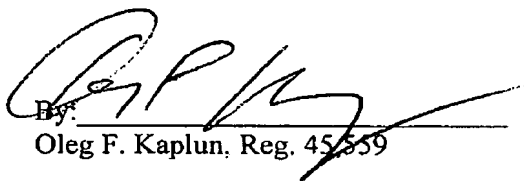
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Respectfully submitted,

Dated: September 4, 2007

By: 
Oleg F. Kaplan, Reg. 45,559

Serial No.: 10/541,404
Attorney Docket No.: NL 030 025 US
Reference No.: 40160/10901

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:

Panje

Serial No.: 10/541,404

Filed: July 1, 2005

METHOD OF OBTAINING
AND LINKING POSITIONAL
For: INFORMATION TO
POSITION SPECIFIC
MULTIMEDIA CONTENT

Conf. No.: 6646

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Group Art Unit: 2617

Examiner: Khai Minh Nguyen

**Board of Patent Appeals and
Interferences**

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Alexandria, VA 22313-1450

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

In support of the notice of appeal filed on June 8, 2007, and pursuant to 37 C.F.R. § 41.37, Appellant presents this Appeal Brief in the above-captioned application.

This is an appeal to the Board of Patent Appeals and Interferences from the Examiner's final rejection of claims 1-21 in the Final Office Action dated March 8, 2007. The appealed claims are set forth in the attached Claims Appendix.

09/06/2007 EHAILE1 00000029 10541404

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Serial No.: 10/541,404
Attorney Docket No.: NL 030 025 US
Reference No.: 40160/10901

1. Real Party in Interest

This application is assigned to Philips Electronics North America Corporation, the real party in interest.

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2. Related Appeals and Interferences

There are no other appeals or interferences that would directly affect, be directly affected, or have a bearing on the instant appeal.

3. Status of the Claims

Claims 1-21 have been rejected in the Final Office Action. The final rejection of claims 1-21 is being appealed.

4. Status of Amendments

All amendments submitted by Appellant have been entered.

5. Summary of Claimed Subject Matter

The present invention, as recited in independent claim 1, relates to a method of obtaining position information of a mobile phone carrier and linking said position information to position specific multimedia content of a multimedia device. The method comprises obtaining (119) position information of a mobile phone (103) of the mobile phone carrier based on a position detection of the mobile phone (103). (See Specification, p. 6, ll. 5-17; Fig. 1.) The method further comprises linking (121) the mobile phone (103) position information to said position specific multimedia content at a WAP portal. (See *id.*, p. 6, ll. 18-25; Fig. 1.)

The present invention, as recited in independent claim 11, relates to a system for obtaining position information of a mobile phone carrier and linking said position information to position specific multimedia content of a multimedia device. The system comprises means for obtaining (119) position information of a mobile phone (103) of the mobile phone carrier based on a position detection of said mobile phone (103). (See *id.*, p. 6, ll. 5-17; Fig. 1.) The system further comprises means for linking (121) the mobile phone (103) position information to said position specific multimedia content at a WAP portal. (See *id.*, p. 6, ll. 18-25; Fig. 1.)

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Attorney Docket No.: NL 030 025 US
Reference No.: 40160/10901

The present invention, as recited in independent claim 19, relates to a system for obtaining position information of a mobile phone carrier and linking said position information to position specific multimedia content recorded by a multimedia device. The system comprises means for obtaining (217) position information of a mobile phone (103) of the mobile phone carrier based on a position detection of said mobile phone (103). (See id., p. 6, ll. 32-34; Fig. 2.) The system further comprises communication means (e.g., IrDA, Bluetooth, USB, RS232, etc.) for communicating between said mobile phone (103) and said multimedia device (205). (See id., p. 6, ll. 26-28; Fig. 2.) The system further comprises means for linking (221) the mobile phone (103) position information to said position specific multimedia content. (See id., p. 6, ll. 18-25; Fig. 2.)

The present invention, as recited in independent claim 21, relates to a method of obtaining position information of a mobile phone carrier and linking said position information to position specific multimedia content recorded by a multimedia device (205). The method comprises obtaining (217) position information of a mobile phone (103) of the mobile phone carrier based on a position detection of the mobile phone (103). (See id., p. 6, ll. 32-34; Fig. 2.) The method further comprises linking (221) the mobile phone position information to said position specific multimedia content based on communication between said mobile phone (103) and said multimedia device (205). (See id., p. 6, ll. 18-28; Fig. 2.)

6. Grounds of Rejection to be Reviewed on Appeal

I. Whether claims 1-21 are unpatentable under 35 U.S.C. § 103(a) over U.S. Pat. Pub. 2002/0186412 to Murashita (hereinafter "Murashita") in view of U.S. Patent 6,088,594 to Kingdon et al. (hereinafter "Kingdon").

7. Argument

I. The Rejection of Claims 1-21 Under 35 U.S.C. § 103(a) Should Be Reversed.

A. The Examiner's Rejection

In the Final Office Action, the Examiner rejected claims 1-21 under 35 U.S.C. § 103(a) as unpatentable over Murashita in view of Kingdon. (See 3/8/07 Office Action, pp. 2-8.)

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Murashita describes a system that facilitates management and classification of image data obtained by a digital camera. (See Murashita, Abstract.) The system includes an image obtaining apparatus, storage means for storing the image data obtained by the image obtaining apparatus, a means for obtaining site information representing a site at which the image data has been obtained, a means for obtaining subject information identifying the subject of the image data, and a means for labeling the image data, which is to be stored into the storage means, with both the site information and the subject information. (See id.)

Kingdon describes a telecommunications system and method which utilize a terminal-based browser, such as the Wireless Application Protocol (WAP) "deck", within a Mobile Station (MS) to connect the MS to web-based location services and to a Mobile Positioning Center (MPC). (See Kingdon, Abstract.) Terminal based browsers, such as WAP "deck", allow for the graphical presentation of the current location of the MS on a display on the MS and provide an interactive user dialog, which permits the mobile subscriber to determine the format of the graphical presentation of the current location of the MS. (See id.)

B. Neither Murashita Nor Kingdon Teach Or Suggest Linking The Mobile Phone Position Information To Said Position Specific Multimedia Content At A WAP Portal As Recited In Claims 1 And 11.

Claim 1 recites "[a] method of obtaining position information of a mobile phone carrier and linking said position information to position specific multimedia content of a multimedia device, the method comprising the steps of: obtaining position information of a mobile phone of the mobile phone carrier based on a position detection of the mobile phone, and *linking the mobile phone position information to said position specific multimedia content at a WAP portal.*"

The Examiner asserted, in the Final Office Action, that Murashita teaches the limitation "linking the mobile phone position information to said position specific multimedia content at a WAP portal," as recited in claims 1 and 11. (See 3/8/07 Office Action, p. 2, citing Murashita, ¶¶ [0056], [0112]-[0113], Figs. 4-6.) The Examiner reiterated this argument in the Advisory Action. (See 6/6/07 Advisory Action, p. 2, citing Murashita, ¶¶ [0006]-[0008], [0138]-[0139].) However, Appellant submits that no WAP portal is disclosed by Murashita. Murashita states: "Further, since the mobile terminal may have a means for obtaining its current position

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and also a means for transmitting this current position, it is possible for the mobile terminal to notify a position information obtaining means of the terminal's current position as position information representing a place where image data has been obtained." (See Murashita, ¶ [0056].) No WAP portal is mentioned.

Further, Murashita later discloses: "Image data storage device 20A, which is connected with digital camera 10A via a cable supporting USB (Universal Serial Bus) so as to store image data obtained by digital camera 10A, is carried by a photographer (user) together with digital camera 10A. In use, image data storage device 20A can be provided in the form of a hard disc unit, for example, and includes image data storing unit 21A, receiver 22A, ID holding unit 23A, and image data converter 24A." (See *id.*, ¶ [0094].) Murashita clearly states, therefore, that any linking step is performed by the image data storage device 20A (e.g., on a hard disc unit or the like), and not at a WAP portal. None of the further cited portions of Murashita disclose a WAP portal; rather, they contain discussion of various image storage formats (see *id.*, ¶¶ [0006]-[0008]) and various data that may be desirable to be stored with an image file (see *id.*, ¶¶ [0112]-[0113], [0138]-[0139]). In fact, every disclosed embodiment in Murashita describes linking information at the image data storage device 20A-D, which is a user device. This is evidenced by the fact that in every embodiment, the image storage device 20A-D is hard wired (e.g., by a USB cable) to the image input device 10A-D, clearly showing that it is not a WAP portal. Accordingly, no discussion of a linking step performed at a WAP portal is contained anywhere in Murashita.

The Appellant respectfully submits that the Examiner has not satisfied the Examiner's initial burden of establishing a *prima facie* conclusion of obviousness. (See, MPEP §2142). To establish a *prima facie* case of obviousness, the Examiner must show that the prior art reference(s) teach or suggest all the claim limitations. (See, *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991); See also, MPEP §2143.03). As described above, the Examiner has failed to meet this burden because a claim limitation of claim 1 is a WAP portal. The Examiner fails to show how Murashita teaches or suggests such a WAP portal.

The Appellant raised this issue in a previous response. (See, Request for Reconsideration Under 37 C.F.R. 1.116 dated 5/8/07). However, the Examiner merely stated in response to the argument that the prior art:

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clearly discloses that linking the mobile phone position information to said position specific multimedia content at a WAP portal (see Murashita, abstract, paragraph 0006-0008, and 0138-0139, obtaining the position information of the mobile phone based on a position detection of the mobile phone, and linking the position information to said position specific multimedia content).

(See, Advisory Action dated 6/6/07)

As stated above, a WAP portal is not disclosed in the cited paragraphs or any other paragraphs of Murashita. Accordingly, Appellant respectfully submits that the Examiner has failed to satisfy the burden of providing a *prima facie* case of obviousness.

Kingdon discloses the use of a WAP-based browser. (See Kingdon, Abstract.) However, nowhere in Kingdon is the performance of a linking step (as recited in claim 1) at a WAP portal contemplated. Therefore, Murashita and Kingdon, alone or in combination, neither disclose nor suggest "linking the mobile phone position information to said position specific multimedia content at a WAP portal," as recited in claim 1. Accordingly, Appellant respectfully submits that this rejection should be overturned. Because claims 2-10 depend from, and, therefore, include all of the limitations of claim 1, it is respectfully submitted that these claims are also allowable for at least the reasons stated above.

Claim 11 recites "[a] system for obtaining position information of a mobile phone carrier and linking said position information to position specific content of a multimedia device, the system comprising: means for obtaining position information of a mobile phone of the mobile phone carrier based on a position detection of said mobile phone, and *means for linking the mobile phone position information to said position specific multimedia content at a WAP portal.*" For the reasons discussed above with reference to claim 1, Appellant respectfully submits that Murashita and Kingdon, alone or in combination, neither disclose nor suggest "linking the mobile phone position information to said position specific multimedia content at a WAP portal," as recited in claim 11; neither Murashita nor Kingdon discloses any linking step performed at a WAP portal. Accordingly, this rejection should be withdrawn. Because claims 12-18 depend from, and, therefore, include all of the limitations of claim 11, Appellant submits that these claims are also allowable for at least the reasons stated above.

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C. Neither Murashita Nor Kingdon Teach Or Suggest Communication Means For Communicating Between Said Mobile Phone And Said Multimedia Device As Recited In Claim 19.

Claim 19 recites “[a] system for obtaining position information of a mobile phone carrier and linking said position information to position specific multimedia content recorded by a multimedia device, the system comprising: means for obtaining position information of a mobile phone of the mobile phone carrier based on a position detection of said mobile phone, *communication means for communicating between said mobile phone and said multimedia device*, and means for linking the mobile phone position information to said position specific multimedia content.”

The Examiner conceded, in the Final Office Action, that Murashita does not disclose “communication means for communicating between said mobile phone and said multimedia device.” (See 3/8/07 Office Action, p. 7.) To cure this deficiency, the Examiner cited Kingdon. (See *id.*, citing Kingdon, col. 2, ll. 7-31; col. 3, ll. 39-49.) The Examiner reiterated this ground of rejection in the Advisory Action, further citing portions of Murashita to support such a disclosure. (See 6/6/07 Advisory Action, p. 2., citing Murashita, ¶¶ [0006]-[0008], [0021]-[0022].)

Claim 19 clearly recites communicating between a mobile phone and a multimedia device. The claim also recites that the multimedia device records the multimedia content. In contrast, Kingdon only discloses communication between a Mobile Station (i.e., a portable phone) and a Mobile Positioning Center. (See Kingdon, col. 2, ll. 21-31.) Kingdon describes neither a multimedia device (e.g., a device that records multimedia content), nor communication between such a device and a mobile phone, as recited in claim 19. Appellant further submits that the Examiner was correct in conceding, in the Final Office Action, that Murashita does not describe a communication means, as recited in claim 19. While Murashita discloses communication between a user terminal 30A-D and a base station 40A-D and communication between the user terminal 30A-D and the image data storage device 20A-D, no communication between a mobile phone (e.g., user terminal 30A-D) and a multimedia device (e.g., image input device 10A-D) is disclosed. (See Murashita, ¶¶ [0021]-[0022].) Therefore, Appellant submits that Murashita and Kingdon, alone or in combination, neither disclose nor suggest “communication means for communicating between said mobile phone and said

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multimedia device,” as recited in claim 19. Accordingly, this rejection should be overturned. Because claim 20 depends from, and, therefore, includes all of the limitations of claim 19, it is respectfully submitted that this claim is also allowable.

D. Neither Murashita Nor Kingdon Recite Linking The Mobile Phone Position Information To Said Position Specific Multimedia Content Based On Communication Between Said Mobile Phone And Said Multimedia Device As Recited In Claim 21.

Claim 21 recites “[a] method of obtaining position information of a mobile phone carrier and linking said position information to position specific multimedia content recorded by a multimedia device, the method comprising the steps of: obtaining position information of a mobile phone of the mobile phone carrier based on a position detection of the mobile phone, and *linking the mobile phone position information to said position specific multimedia content based on communication between said mobile phone and said multimedia device.*”

As discussed above with reference to claim 19, Murashita and Kingdon, alone or in combination, neither disclose nor suggest “linking the mobile phone position information to said position specific multimedia content based on communication between said mobile phone and said multimedia device,” as recited in claim 21; neither Murashita nor Kingdon discloses communication between a mobile phone and a multimedia device. Accordingly, Appellant respectfully submits that this rejection should be overturned.

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8. Conclusion

For the reasons set forth above, Appellant respectfully requests that the Board reverse the rejection of the claims by the Examiner under 35 U.S.C. § 103(a), and indicate that claims 1-21 are allowable.

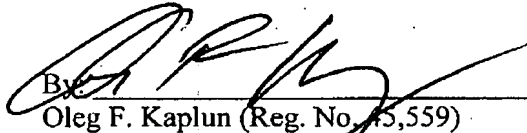
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Respectfully submitted,

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Reference No.: 40160/10901

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CLAIMS APPENDIX

1. (Previously presented) A method of obtaining position information of a mobile phone carrier and linking said position information to position specific multimedia content of a multimedia device, the method comprising the steps of:
 - obtaining position information of a mobile phone of the mobile phone carrier based on a position detection of the mobile phone, and
 - linking the mobile phone position information to said position specific multimedia content at a WAP portal.
2. (Original) A method according to claim 1, wherein the method further comprises the step of receiving identification of said position specific multimedia content from the mobile phone carrier.
3. (Original) A method according to claim 1, wherein the method further comprises the step of receiving position specific multimedia content from the mobile phone carrier.
4. (Previously presented) A method according to claim 1, wherein the position specific multimedia content is recorded by said multimedia device at said position of the mobile phone carrier.
5. (Previously presented) A method according to claim 4, wherein the method further comprises the step of receiving properties of said multimedia device from the mobile phone carrier.
6. (Previously presented) A method according to claim 1, wherein the step of detecting the position information of the mobile phone also comprises detecting the magnetic orientation of the mobile phone carrier.
7. (Previously presented) A method according to claim 1, wherein the method further comprises the step of sorting the multimedia content according to a sorting criterion.

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8. (Original) A method according to claim 7, wherein the sorting criterion is based on properties extracted from the position information.
9. (Previously presented) A method according to claim 7, wherein the sorting criterion is selected by the mobile phone carrier and received from the mobile phone.
10. (Previously presented) A method according to claim 1, wherein the detection of the position information of the mobile phone is performed periodically after receiving said request from the mobile phone.
11. (Previously presented) A system for obtaining position information of a mobile phone carrier and linking said information to position specific multimedia content of a multimedia device, the system comprising:
 - means for obtaining position information of a mobile phone of the mobile phone carrier based on a position detection of said mobile phone, and
 - means for linking the mobile phone position information to said position specific multimedia content at a WAP portal.
12. (Previously presented) A system according to claim 11, wherein the multimedia device is a camera.
13. (Previously presented) A system according to claim 11, wherein the position specific multimedia content is recorded by said multimedia device at said position of the mobile phone carrier.
14. (Previously presented) A system according to claim 11, wherein the mobile phone comprises means for detecting the magnetic orientation of the mobile phone carrier.

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15. (Previously presented) A system according to claim 11, wherein the mobile phone comprises means for sorting the multimedia content according to a sorting criterion.
16. (Previously presented) A system according to claim 11, wherein the sorting criterion is based on properties extracted from the position information.
17. (Previously presented) A system according to claim 11, wherein the mobile phone position information is transmittable from the WAP portal to the multimedia device via the mobile phone.
18. (Previously presented) A system according to claim 11, wherein the mobile phone position is an HTTP link generated by the WAP portal, which has said mobile phone position information.
19. (Previously presented) A system for obtaining position information of a mobile phone carrier and linking said position information to position specific multimedia content recorded by a multimedia device, the system comprising:
- means for obtaining position information of a mobile phone of the mobile phone carrier based on a position detection of said mobile phone,
 - communication means for communicating between said mobile phone and said multimedia device, and
 - means for linking the mobile phone position information to said position specific multimedia content.
20. (Previously presented) A system according to claim 19, further comprising a WAP portal accessible by said mobile phone, wherein the mobile phone position information is transmittable from the WAP portal to the multimedia device via the mobile phone through said communication means.

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21. (Previously presented) A method of obtaining position information of a mobile phone carrier and linking said position information to position specific multimedia content recorded by a multimedia device, the method comprising the steps of:

obtaining position information of a mobile phone of the mobile phone carrier based on a position detection of the mobile phone, and

linking the mobile phone position information to said position specific multimedia content based on communication between said mobile phone and said multimedia device.

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EVIDENCE APPENDIX

No evidence has been submitted herewith or is relied upon in the present appeal.

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RELATED PROCEEDINGS APPENDIX

There are no related proceedings or decisions which relate to the present appeal.

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Serial No.: 10/541,404
Attorney Docket No.: NL 030 025 US
Reference No.: 40160/10901

The present invention, as recited in independent claim 19, relates to a system for obtaining position information of a mobile phone carrier and linking said position information to position specific multimedia content recorded by a multimedia device. The system comprises means for obtaining (217) position information of a mobile phone (103) of the mobile phone carrier based on a position detection of said mobile phone (103). (See *id.*, p. 6, ll. 32-34; Fig. 2.) The system further comprises communication means (e.g., IrDA, Bluetooth, USB, RS232, etc.) for communicating between said mobile phone (103) and said multimedia device (205). (See *id.*, p. 6, ll. 26-28; Fig. 2.) The system further comprises means for linking (221) the mobile phone (103) position information to said position specific multimedia content. (See *id.*, p. 6, ll. 18-25; Fig. 2.)

The present invention, as recited in independent claim 21, relates to a method of obtaining position information of a mobile phone carrier and linking said position information to position specific multimedia content recorded by a multimedia device (205). The method comprises obtaining (217) position information of a mobile phone (103) of the mobile phone carrier based on a position detection of the mobile phone (103). (See *id.*, p. 6, ll. 32-34; Fig. 2.) The method further comprises linking (221) the mobile phone position information to said position specific multimedia content based on communication between said mobile phone (103) and said multimedia device (205). (See *id.*, p. 6, ll. 18-28; Fig. 2.)

6. Grounds of Rejection to be Reviewed on Appeal

I. Whether claims 1-21 are unpatentable under 35 U.S.C. § 103(a) over U.S. Pat. Pub. 2002/0186412 to Murashita (hereinafter "Murashita") in view of U.S. Patent 6,088,594 to Kingdon et al. (hereinafter "Kingdon").

7. Argument

I. The Rejection of Claims 1-21 Under 35 U.S.C. § 103(a) Should Be Reversed.

A. The Examiner's Rejection

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Murashita describes a system that facilitates management and classification of image data obtained by a digital camera. (See Murashita, Abstract.) The system includes an image obtaining apparatus, storage means for storing the image data obtained by the image obtaining apparatus, a means for obtaining site information representing a site at which the image data has been obtained, a means for obtaining subject information identifying the subject of the image data, and a means for labeling the image data, which is to be stored into the storage means, with both the site information and the subject information. (See id.)

Kingdon describes a telecommunications system and method which utilize a terminal-based browser, such as the Wireless Application Protocol (WAP) "deck", within a Mobile Station (MS) to connect the MS to web-based location services and to a Mobile Positioning Center (MPC). (See Kingdon, Abstract.) Terminal based browsers, such as WAP "deck", allow for the graphical presentation of the current location of the MS on a display on the MS and provide an interactive user dialog, which permits the mobile subscriber to determine the format of the graphical presentation of the current location of the MS. (See id.)

B. Neither Murashita Nor Kingdon Teach Or Suggest Linking The Mobile Phone Position Information To Said Position Specific Multimedia Content At A WAP Portal As Recited In Claims 1 And 11.

Claim 1 recites "[a] method of obtaining position information of a mobile phone carrier and linking said position information to position specific multimedia content of a multimedia device, the method comprising the steps of: obtaining position information of a mobile phone of the mobile phone carrier based on a position detection of the mobile phone, and *linking the mobile phone position information to said position specific multimedia content at a WAP portal.*"

The Examiner asserted, in the Final Office Action, that Murashita teaches the limitation "linking the mobile phone position information to said position specific multimedia content at a WAP portal," as recited in claims 1 and 11. (See 3/8/07 Office Action, p. 2, citing Murashita, ¶¶ [0056], [0112]-[0113], Figs. 4-6.) The Examiner reiterated this argument in the Advisory Action. (See 6/6/07 Advisory Action, p. 2, citing Murashita, ¶¶ [0006]-[0008], [0138]-[0139].) However, Appellant submits that no WAP portal is disclosed by Murashita. Murashita states: "Further, since the mobile terminal may have a means for obtaining its current position

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and also a means for transmitting this current position, it is possible for the mobile terminal to notify a position information obtaining means of the terminal's current position as position information representing a place where image data has been obtained." (See Murashita, ¶ [0056].) No WAP portal is mentioned.

Further, Murashita later discloses: "Image data storage device 20A, which is connected with digital camera 10A via a cable supporting USB (Universal Serial Bus) so as to store image data obtained by digital camera 10A, is carried by a photographer (user) together with digital camera 10A. In use, image data storage device 20A can be provided in the form of a hard disc unit, for example, and includes image data storing unit 21A, receiver 22A, ID holding unit 23A, and image data converter 24A." (See id., ¶ [0094].) Murashita clearly states, therefore, that any linking step is performed by the image data storage device 20A (e.g., on a hard disc unit or the like), and not at a WAP portal. None of the further cited portions of Murashita disclose a WAP portal; rather, they contain discussion of various image storage formats (see id., ¶¶ [0006]-[0008]) and various data that may be desirable to be stored with an image file (see id., ¶¶ [0112]-[0113], [0138]-[0139]). In fact, every disclosed embodiment in Murashita describes linking information at the image data storage device 20A-D, which is a user device. This is evidenced by the fact that in every embodiment, the image storage device 20A-D is hard wired (e.g., by a USB cable) to the image input device 10A-D, clearly showing that it is not a WAP portal. Accordingly, no discussion of a linking step performed at a WAP portal is contained anywhere in Murashita.

The Appellant respectfully submits that the Examiner has not satisfied the Examiner's initial burden of establishing a *prima facie* conclusion of obviousness. (See, MPEP §2142). To establish a *prima facie* case of obviousness, the Examiner must show that the prior art reference(s) teach or suggest all the claim limitations. (See, In re Vaeck, 947 F.2d 488 (Fed. Cir. 1991); See also, MPEP §2143.03). As described above, the Examiner has failed to meet this burden because a claim limitation of claim 1 is a WAP portal. The Examiner fails to show how Murashita teaches or suggests such a WAP portal.

The Appellant raised this issue in a previous response. (See, Request for Reconsideration Under 37 C.F.R. 1.116 dated 5/8/07). However, the Examiner merely stated in response to the argument that the prior art:

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clearly discloses that linking the mobile phone position information to said position specific multimedia content at a WAP portal (see Murashita, abstract, paragraph 0006-0008, and 0138-0139, obtaining the position information of the mobile phone based on a position detection of the mobile phone, and linking the position information to said position specific multimedia content).

(See, Advisory Action dated 6/6/07)

As stated above, a WAP portal is not disclosed in the cited paragraphs or any other paragraphs of Murashita. Accordingly, Appellant respectfully submits that the Examiner has failed to satisfy the burden of providing a *prima facie* case of obviousness.

Kingdon discloses the use of a WAP-based browser. (See Kingdon, Abstract.) However, nowhere in Kingdon is the performance of a linking step (as recited in claim 1) at a WAP portal contemplated. Therefore, Murashita and Kingdon, alone or in combination, neither disclose nor suggest "linking the mobile phone position information to said position specific multimedia content at a WAP portal," as recited in claim 1. Accordingly, Appellant respectfully submits that this rejection should be overturned. Because claims 2-10 depend from, and, therefore, include all of the limitations of claim 1, it is respectfully submitted that these claims are also allowable for at least the reasons stated above.

Claim 11 recites "[a] system for obtaining position information of a mobile phone carrier and linking said position information to position specific content of a multimedia device, the system comprising: means for obtaining position information of a mobile phone of the mobile phone carrier based on a position detection of said mobile phone, and *means for linking the mobile phone position information to said position specific multimedia content at a WAP portal.*" For the reasons discussed above with reference to claim 1, Appellant respectfully submits that Murashita and Kingdon, alone or in combination, neither disclose nor suggest "linking the mobile phone position information to said position specific multimedia content at a WAP portal," as recited in claim 11; neither Murashita nor Kingdon discloses any linking step performed at a WAP portal. Accordingly, this rejection should be withdrawn. Because claims 12-18 depend from, and, therefore, include all of the limitations of claim 11, Appellant submits that these claims are also allowable for at least the reasons stated above.

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C. Neither Murashita Nor Kingdon Teach Or Suggest Communication Means For Communicating Between Said Mobile Phone And Said Multimedia Device As Recited In Claim 19.

Claim 19 recites “[a] system for obtaining position information of a mobile phone carrier and linking said position information to position specific multimedia content recorded by a multimedia device, the system comprising: means for obtaining position information of a mobile phone of the mobile phone carrier based on a position detection of said mobile phone, *communication means for communicating between said mobile phone and said multimedia device*, and means for linking the mobile phone position information to said position specific multimedia content.”

The Examiner conceded, in the Final Office Action, that Murashita does not disclose “communication means for communicating between said mobile phone and said multimedia device.” (See 3/8/07 Office Action, p. 7.) To cure this deficiency, the Examiner cited Kingdon. (See *id.*, citing Kingdon, col. 2, ll. 7-31; col. 3, ll. 39-49.) The Examiner reiterated this ground of rejection in the Advisory Action, further citing portions of Murashita to support such a disclosure. (See 6/6/07 Advisory Action, p. 2., citing Murashita, ¶¶ [0006]-[0008], [0021]-[0022].)

Claim 19 clearly recites communicating between a mobile phone and a multimedia device. The claim also recites that the multimedia device records the multimedia content. In contrast, Kingdon only discloses communication between a Mobile Station (i.e., a portable phone) and a Mobile Positioning Center. (See Kingdon, col. 2, ll. 21-31.) Kingdon describes neither a multimedia device (e.g., a device that records multimedia content), nor communication between such a device and a mobile phone, as recited in claim 19. Appellant further submits that the Examiner was correct in conceding, in the Final Office Action, that Murashita does not describe a communication means, as recited in claim 19. While Murashita discloses communication between a user terminal 30A-D and a base station 40A-D and communication between the user terminal 30A-D and the image data storage device 20A-D, no communication between a mobile phone (e.g., user terminal 30A-D) and a multimedia device (e.g., image input device 10A-D) is disclosed. (See Murashita, ¶¶ [0021]-[0022].) Therefore, Appellant submits that Murashita and Kingdon, alone or in combination, neither disclose nor suggest “communication means for communicating between said mobile phone and said

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multimedia device,” as recited in claim 19. Accordingly, this rejection should be overturned. Because claim 20 depends from, and, therefore, includes all of the limitations of claim 19, it is respectfully submitted that this claim is also allowable.

D. Neither Murashita Nor Kingdon Recite Linking The Mobile Phone Position Information To Said Position Specific Multimedia Content Based On Communication Between Said Mobile Phone And Said Multimedia Device As Recited In Claim 21.

Claim 21 recites “[a] method of obtaining position information of a mobile phone carrier and linking said position information to position specific multimedia content recorded by a multimedia device, the method comprising the steps of: obtaining position information of a mobile phone of the mobile phone carrier based on a position detection of the mobile phone, and *linking the mobile phone position information to said position specific multimedia content based on communication between said mobile phone and said multimedia device.*”

As discussed above with reference to claim 19, Murashita and Kingdon, alone or in combination, neither disclose nor suggest “linking the mobile phone position information to said position specific multimedia content based on communication between said mobile phone and said multimedia device,” as recited in claim 21; neither Murashita nor Kingdon discloses communication between a mobile phone and a multimedia device. Accordingly, Appellant respectfully submits that this rejection should be overturned.

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8. Conclusion

For the reasons set forth above, Appellant respectfully requests that the Board reverse the rejection of the claims by the Examiner under 35 U.S.C. § 103(a), and indicate that claims 1-21 are allowable.

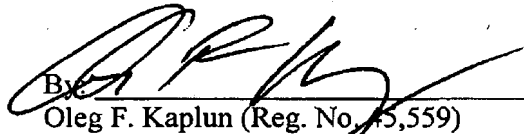
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Respectfully submitted,

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CLAIMS APPENDIX

1. (Previously presented) A method of obtaining position information of a mobile phone carrier and linking said position information to position specific multimedia content of a multimedia device, the method comprising the steps of:
obtaining position information of a mobile phone of the mobile phone carrier based on a position detection of the mobile phone, and
linking the mobile phone position information to said position specific multimedia content at a WAP portal.
2. (Original) A method according to claim 1, wherein the method further comprises the step of receiving identification of said position specific multimedia content from the mobile phone carrier.
3. (Original) A method according to claim 1, wherein the method further comprises the step of receiving position specific multimedia content from the mobile phone carrier.
4. (Previously presented) A method according to claim 1, wherein the position specific multimedia content is recorded by said multimedia device at said position of the mobile phone carrier.
5. (Previously presented) A method according to claim 4, wherein the method further comprises the step of receiving properties of said multimedia device from the mobile phone carrier.
6. (Previously presented) A method according to claim 1, wherein the step of detecting the position information of the mobile phone also comprises detecting the magnetic orientation of the mobile phone carrier.
7. (Previously presented) A method according to claim 1, wherein the method further comprises the step of sorting the multimedia content according to a sorting criterion.

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8. (Original) A method according to claim 7, wherein the sorting criterion is based on properties extracted from the position information.
9. (Previously presented) A method according to claim 7, wherein the sorting criterion is selected by the mobile phone carrier and received from the mobile phone.
10. (Previously presented) A method according to claim 1, wherein the detection of the position information of the mobile phone is performed periodically after receiving said request from the mobile phone.
11. (Previously presented) A system for obtaining position information of a mobile phone carrier and linking said information to position specific multimedia content of a multimedia device, the system comprising:
 - means for obtaining position information of a mobile phone of the mobile phone carrier based on a position detection of said mobile phone, and
 - means for linking the mobile phone position information to said position specific multimedia content at a WAP portal.
12. (Previously presented) A system according to claim 11, wherein the multimedia device is a camera.
13. (Previously presented) A system according to claim 11, wherein the position specific multimedia content is recorded by said multimedia device at said position of the mobile phone carrier.
14. (Previously presented) A system according to claim 11, wherein the mobile phone comprises means for detecting the magnetic orientation of the mobile phone carrier.

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15. (Previously presented) A system according to claim 11, wherein the mobile phone comprises means for sorting the multimedia content according to a sorting criterion.
16. (Previously presented) A system according to claim 11, wherein the sorting criterion is based on properties extracted from the position information.
17. (Previously presented) A system according to claim 11, wherein the mobile phone position information is transmittable from the WAP portal to the multimedia device via the mobile phone.
18. (Previously presented) A system according to claim 11, wherein the mobile phone position is an HTTP link generated by the WAP portal, which has said mobile phone position information.
19. (Previously presented) A system for obtaining position information of a mobile phone carrier and linking said position information to position specific multimedia content recorded by a multimedia device, the system comprising:
- means for obtaining position information of a mobile phone of the mobile phone carrier based on a position detection of said mobile phone,
 - communication means for communicating between said mobile phone and said multimedia device, and
 - means for linking the mobile phone position information to said position specific multimedia content.
20. (Previously presented) A system according to claim 19, further comprising a WAP portal accessible by said mobile phone, wherein the mobile phone position information is transmittable from the WAP portal to the multimedia device via the mobile phone through said communication means.

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21. (Previously presented) A method of obtaining position information of a mobile phone carrier and linking said position information to position specific multimedia content recorded by a multimedia device, the method comprising the steps of:

obtaining position information of a mobile phone of the mobile phone carrier based on a position detection of the mobile phone, and

linking the mobile phone position information to said position specific multimedia content based on communication between said mobile phone and said multimedia device.

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EVIDENCE APPENDIX

No evidence has been submitted herewith or is relied upon in the present appeal.

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RELATED PROCEEDINGS APPENDIX

There are no related proceedings or decisions which relate to the present appeal.